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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,023	04/03/2001	Shigeki Sakurai	1232-4703	3855
27123	7590	10/04/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SINGH, SATWANT K	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/825,023	SAKURAI, SHIGEKI
	Examiner	Art Unit
	Satwant K. Singh	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: spelling error in claim. Line 25, "predetermine" should be "predetermined". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wing (US 6,650,440).
3. Regarding Claim 1, Wing discloses an Internet facsimile gateway apparatus (modified fax-over-email-gateway 206) that is connected to a general switched telephone network and an IP network and relays facsimile communication between said general switched telephone network and said IP network, comprising: first communicating means for performing procedural processing of facsimile transmission in said general switched telephone network (communication interface 224 can be either a public switch telephone network (PSTN) or a computer network link) (col. 7, lines 45-

50); second communicating means of performing procedural processing of facsimile transmission in said IP network (communication link 226, can communicate information using the Transmission Control Protocol/ Internet Protocol (TCP/IP)) (col. 8, lines 40-49); and controlling means for controlling a transmission timing of a signal transmitted from said first communicating means based on a signal received by said second communicating means (when the modified sending fax-over-email gateway 206 receives a DSN response, it waits for a predetermined length of time before making an outcall to the sending facsimile device 222) (col. 9, lines 41-58).

4. Regarding Claim 2, Wing discloses an Internet facsimile gateway apparatus wherein said controlling means has a pseudo signal generating means for generating a pseudo signal (outcall) of a control signal to be used procedures of facsimile transmission in said general switched telephone network, and, after said second communicating means receives a predetermined signal (modified sending fax-over-email gateway 206 first receives a "Delivery Success" response from the receiving fax-over email gateway 220) (col. 9., lines 60-67 and col. 10, line 1) transmits said pseudo signal after predetermined time via said first communicating means (this causes the modified sending fax-over-email gateway, to wait for a predetermined length of time before it makes an outcall to the sending facsimile device 202) (col. 10, 2-4) (col. 9, lines 60-67 and col. 10, lines 1-28).

5. Regarding Claim 3, Wing discloses an Internet facsimile gateway apparatus wherein, after said second communicating means accumulates received signals for a predetermined period of time, said controlling means transmits the accumulated signals

via said first communicating means (if the MDN response arrives at the modified sending fax-over-email gateway 206 within the predetermined time period, then gateway 206 makes one outcall to the sending facsimile device 202) (col. 10, lines 5-10).

6. Regarding Claim 4, Wing discloses an Internet facsimile gateway apparatus wherein said pseudo signal is a signal for establishing synchronism between transmission/reception apparatuses (the predetermined length of time for the modified sending fax-over-email gateway 206 to wait before it makes the outcall to the sending facsimile device 202 should correlate with a reasonable expected time in which the MDN response is to arrive at the gateway) (col. 10, lines 29-33).

7. Regarding Claim 5, Wing discloses an Internet facsimile gateway apparatus wherein said predetermined period of time is a length of time defined by procedures for facsimile transmission in said general switched telephone network (the wait period need not be fixed but can depend on factors such as the location of the receiving facsimile device with respect to the sending facsimile device, how many intermediate mailers, or other factors) (col. 10, lines 35-39).

8. Claims 6 and 11 are rejected for the same reason as claim 1.

9. Claim 7 is rejected for the same reason as claim 2.

10. Claim 8 is rejected for the same reason as claim 3.

11. Claim 9 is rejected for the same reason as claim 4.

12. Claim 10 is rejected for the same reason as claim 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (703) 306-3430. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satwant K. Singh  
Examiner  
Art Unit 2626

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SUPERVISORY PATENT EXAMINER